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E.O. 12958: DECL: 08/18/2019  
TAGS: [PGOV](#) [PREL](#) [IZ](#)  
SUBJECT: VPOTUS MEETING WITH PM MALIKI

Classified By: Ambassador Christopher R. Hill, for reasons 1.4 b and d.

[11](#). (U) January 23, 2010, 11:00 a.m.; Baghdad, Iraq

[12](#). (U) Participants:

U.S.  
Vice President Joseph Biden  
Ambassador Christopher Hill  
GEN Raymond Odierno, Commanding General USF-I  
Tony Blinken, National Security Advisor, OVP  
Jeffrey Feltman, Assistant Secretary, NEA  
Colin Kahl, DASD  
Puneet Talwar, Director, OVP  
Herro Mustafa, Special Advisor to the Vice President  
Peter Vrooman, National Security Counsel Director  
Emma Skye, Political Advisor to CG, USF-I  
William Roebuck, Embassy Notetaker

Iraq  
Prime Minister Nouri Maliki  
Foreign Minister Hoshyar Zebari  
Deputy Foreign Minister Labid Abbawi  
Sadiq Rikabi, PM Advisor  
Ali al-Dabbagh, Spokesperson for the GOI  
Dr. Safa al-Sheikh, Acting National Security Advisor  
GOI Notetaker

[13](#). (C) SUMMARY: The Vice President told PM Maliki January 23 that the purpose of his visit was to continue the discussion about ways to expand and deepen the bilateral relationship, in the context of the Strategic Framework Agreement, and not to settle the current de-Ba'athification issue. Maliki assured the Vice President that the controversy over de-Ba'athification would not lead to a Sunni boycott of the election or even provoke low Sunni turnout and emphasized that many of the excluded candidates were Shia. The PM further stressed that disqualified candidates had no choice except to go through the appeals process, led by the seven-judge panel established to hear appeals of decisions by the Accountability and Justice Commission (AJC). Responding to a remark by the PM that the COR might go out of session without taking action on the budget, the Vice President expressed concern that inaction on the budget might impact on assistance that the GOI currently received from the World Bank and the IMF. The PM expressed satisfaction with the oil contracts signed after the first two rounds of the bidding process and with the breakthrough with KRG PM Barham Saleh on KRG oil contracts, which he felt might pave the way for eventual passage of critical hydrocarbons legislation in the next COR. The PM was non-committal on the Vice President's suggestion for establishing a new mechanism during the government formation period for addressing the thorny set of Arab-Kurd issues relating to Kirkuk, disputed internal boundaries (DIBS), and oil resources. Maliki discounted prospects for passage of an electoral code of conduct, claiming it contained provisions that were unconstitutional. The PM raised the issue of Chapter VII and expressed hope for more "crucial efforts" to facilitate the lifting of the UNSC

resolutions. END SUMMARY.

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FOCUS ON DEEPENING THE BILATERAL RELATIONSHIP  
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¶4. (C) The Vice President made clear to PM Maliki January 23 that the purpose of his visit was to continue the discussion about ways to expand and deepen the bilateral relationship, in the context of the Strategic Framework Agreement, and not to settle the current de-Ba'athification controversy. The Vice President commended al-Maliki for his leadership as Prime Minister and underscored the great progress made in developing Iraq's democratic structures and its ability to generate political consensus, most recently demonstrated with passage of the election law. He stated that President Obama wanted to convey USG willingness to help the GOI and KRG address Arab-Kurd issues and other unfinished business. The Vice President informed the PM that he would announce later that day that the USG intended to appeal the dismissal of the Qthat day that the USG intended to appeal the dismissal of the Blackwater case.

¶5. (C) The PM also underscored a strong desire to deepen the bilateral relationship and expressed great pride in Iraq's progress from dictatorship to democracy, noting that Iraq had laid the cornerstone but that much work remained to be done. He stressed that the current situation was a critical, sensitive time and agreed with the VP on the importance of the upcoming elections, and the need to safeguard security and ensure broad participation. He thanked the President and the Vice President for all their efforts to cement the democratic process in Iraq and urged more effort to activate the Strategic Framework Agreement.

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THE DE-BA'ATHIFICATION CONTROVERSY  
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¶6. Regarding the de-Ba'athification controversy, Maliki expressed appreciation for the statements against Ba'athism from the White House and from Ambassador Hill. He stressed that the de-Ba'athification measures that were being implemented must be "constitutional, impartial, and nonpartisan." He also insisted that they were not directed at vengeance or retribution and were not a reflection of paranoia about a return of the Ba'athists to power or fears of a Ba'athist coup. Nonetheless, he made clear that in his view the Ba'athists were "a malignant virus that will try to sabotage the political process from within." He also explained that former Ba'athists were represented throughout GOI institutions such as the armed forces and the police, but stressed there was broad consensus in Iraq that they should not be allowed to participate in the political process and become members of the Council of Representatives.

¶7. (C) Maliki assured the Vice President -- based on his own assessment and those of Sunni politicians he had spoken to -- that the current de-Ba'athification controversy would not lead to a Sunni boycott of the election or even provoke low Sunni turnout. He claimed that two thirds of the names on the list of 500-odd disqualified candidates were Shia. (COMMENT: We have heard a range of estimates about how many Shia names are on the list. Maliki's estimate is at the upper end, with the lower estimates around 50 percent. There has been no definitive sectarian breakdown made to date. END COMMENT.) To illustrate that the process was not biased, the PM pointed to 17 candidates from his State of Law coalition and 18 disqualified candidates included from the other dominant Shia list, the ISCI-led Iraqi National Alliance.

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STRESSING THE APPEALS PROCESS  
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¶8. (C) The PM stressed that disqualified candidates had no choice except to go through the appeals process, led by the seven-judge panel established to hear appeals of decisions by

the Accountability and Justice Commission (AJC). The de-Ba'athification process was constitutionally mandated and supported by explicit Iraqi laws, which made it impossible for any sort of personal or political intervention by himself or others to short-circuit that process. According to Maliki, the appeals process would be effective and expeditious. Pressed by the Vice President on the timing issue, Maliki insisted that the appeals could be heard and decisions rendered before elections. Nonetheless, he indicated at one point that it might be possible for some of the appeals to be heard after the elections. The key, which he repeated several times, was that the issue be managed completely through a judicial appeals process, intimating that only such a process would provide the justification for the exclusions and the political cover for any adaptations dictated by the electoral time-line. The Vice President told Maliki that he relied on the PM's sense of justice, pragmatism, and political skills to resolve this difficult issue so that the electoral process is viewed as inclusive and transparent.

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ELECTIONS  
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9, (C) Regarding the March 4 elections, the PM said the government is doing everything possible to ensure free and fair elections, with large voter turnout and no government interference in the process, beyond establishing the requisite security conditions. He expressed hope that the Iraqi people would elect a responsible Parliament that would contribute to Iraq's security and prosperity. Reiterating that it was a critical, sensitive time in Iraq's development, the PM said the government was working closely with General Odierno and the Iraqi security forces to take all necessary precautions. He acknowledged that there were elements that wanted to spoil the election with violence or with negative propaganda. The Vice President expressed confidence that the PM and the GOI would do what was necessary to ensure successful elections that will be perceived as transparent and legitimate. The VP underscored that the most important election after the overthrow of a dictator is the second election, not the first.

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CONCERNS ABOUT INACTION ON THE BUDGET  
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10. (C) Responding to a remark by the Vice President about the importance of the Council of Representatives (COR) passing the budget for 2010, the PM expressed concern that the COR might go out of session without taking action. He noted that political campaigns would begin very soon and it had already become difficult to establish the necessary quorum to pass legislation at the COR. The Vice President expressed concern that failure to pass the budget might impact on assistance that the GOI currently received from the World Bank and the IMF. He also noted that failure to act might impact the financing needed to build up Iraq's security forces to the requisite levels. The PM expressed confidence that the consequences of the World Bank/IMF assistance could be mitigated and would not affect contracting relations already in place. Regarding possible impact security forces, Maliki underscored the need to get more clarity about what would actually happen to the budget and then to confer with General Odierno and the leadership in the Iraqi armed forces to limit the negative consequences.

11. (C) The PM said the GOI was putting measures in place to give assurances to the World Bank on loans it had given to Iraq. Closing out the conversation on the budget, the Vice President noted that the best assurances would be a short period for government formation and a quick resolution of the de-Ba'athification issue. He also pledged that the USG would be as helpful as possible with the IMF.

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OIL

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¶12. (C) Regarding Iraq's oil resources, the Vice President reiterated how impressed the international community had been with the transparency of the oil bidding process. He also congratulated the PM on taking key steps with former DPM (now KRG PM) Barham Saleh to resolve the issue of oil resources between the KRG and the GOI. The PM addressed the issue more broadly, initially, noting that he believed Iraq was ready to push forward on economic growth, reconstruction, and development and expressed pride that the government had created the right environment for legislation and regulation that would help economic growth. He also expressed satisfaction with the oil contracts signed after the first two rounds of the bidding process. Regarding the breakthrough with Barham Saleh on the KRG oil contracts, Maliki expressed hope that it would pave the way for passage of the critical hydrocarbons legislation in the next government.

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SUGGESTIONS FOR POST-ELECTION TRANSITION  
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¶13. (C) Focusing on the sensitive period between elections and government formation, the Vice President urged several courses of action on the PM that could render this period more stable. The PM was non-committal on the suggestion for a new mechanism for addressing the thorny set of Arab-Kurd issues relating to Kirkuk, disputed internal boundaries (DIBS), and oil resources, expressing doubt that the key Arab-Kurd issues could be dealt with before the formation of the new government. He added that there were ongoing discussions with SRSB Melkert on these issues. The PM expressed confidence that security -- and control over the security services -- would not be affected by the holding of elections or the government formation period. With regard to the Vice President's concerns about a proposed electoral code of conduct, Maliki said it contained provisions that were unconstitutional and expressed doubt that it would pass. (COMMENT: Since this discussion, prospects for passage of an electoral code of conduct law have become slim. END COMMENT.)

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CHAPTER VII  
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¶14. (C) The PM raised the issue of Chapter VII and expressed hope for more "crucial efforts" to facilitate the lifting of the UNSC resolutions. The Vice President responded that the USG wanted to be helpful on this issue. For that reason, he noted, NEA A/S Feltman was remaining behind in Baghdad to work these issues in more detail. (NOTE: A/S Feltman and FM Zebari chaired the inaugural meeting of the Diplomatic and Political Joint Coordinating Committee on January 24.) The Vice President also noted that the USG has made clear to the UNSC and to Kuwaiti officials that the U.S. wanted a solution to this situation that would facilitate Iraq's exit from Chapter VII status. On a related note, he stressed the importance of the COR ratifying the Additional Protocol as soon as possible, since that would help in lifting the WMD-related Chapter VII resolutions.

¶15. (U) This message has been cleared by the Office of the Vice President and NSC.  
HILL